

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW HALL,

Plaintiff,

CIVIL ACTION NO. 14-cv-12022

v.

DISTRICT JUDGE THOMAS L. LUDINGTON

HARESH PANDYA, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

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**ORDER GRANTING IN PART PLAINTIFF'S MOTION TO SERVE
DEFENDANT HARESH PANDYA THROUGH THE U.S. MARSHAL [20]**

This matter comes before the Court on Plaintiff Matthew Hall's Motion to Serve Defendant Haresh Pandya through the U.S. Marshal. (Docket no. 20.) Defendant Corizon Health, Inc. filed a response to Plaintiff's Motion. (Docket no. 21.) This action has been referred to the undersigned for all pretrial purposes. (Docket no. 5.) The undersigned has reviewed the pleadings and dispenses with oral argument pursuant to Eastern District of Michigan Local Rule 7.1(f)(2). The undersigned is now ready to rule pursuant to 28 U.S.C. § 636(b)(1)(A).

Plaintiff Matthew Hall filed the instant *pro se* civil rights action on May 20, 2014 pursuant to 42 U.S.C. § 1983, alleging that Defendants Haresh Pandya and Corizon Health, Inc. were deliberately indifferent to his medical needs in violation of the Eighth Amendment. (Docket no. 1.) On May 29, 2014, the Court granted Plaintiff's application to proceed *in forma pauperis* and ordered the United States Marshals Service to serve the appropriate papers in this case on Defendants without prepayment of the costs for such service. (Docket nos. 3 and 4.)

Defendant Pandya's waiver of service was returned unexecuted on June 19, 2014. (Docket no. 8.) Attached to the unexecuted waiver is a letter from Corizon Health, Inc. dated June 10, 2014 explaining that Corizon cannot accept documents on Defendant Pandya's behalf because he is not employed by Corizon. (*Id.* at 2.) As of November 4, 2014, Defendant Pandya still had not been served. On that date, the undersigned ordered Plaintiff "to show cause why his complaint [against Defendant Pandya] should not be dismissed for failure to comply with Fed. R. Civ. P. 4(m)." (Docket no. 19 at 1.)

Plaintiff responded to the Order to Show Cause on November 20, 2014 by filing the instant Motion to Serve Defendant Haresh Pandya through the U.S. Marshal. (Docket no. 20.) In his Motion, Plaintiff asserts that his Complaint against Defendant Pandya should not be dismissed because Plaintiff was misinformed of Defendant Pandya's address. (*Id.*) Plaintiff asks the Court to help him locate Defendant Pandya, whom he believes to be a doctor employed by Corizon Health, Inc. (*Id.*) Plaintiff then asks the Court to either direct the U.S. Marshals Service to serve Defendant Pandya at Corizon Health, Inc. or contact the Michigan Department of Corrections regarding Defendant Pandya's location. (*Id.*) Corizon Health, Inc. responded to Plaintiff's Motion and advised the Court that attempting to serve Defendant Pandya at Corizon's offices would be ineffective because Defendant Pandya is not a Corizon employee. (Docket no. 21 at 2.) Defendant Pandya has been represented by counsel for the Michigan Department of Corrections in other matters before this Court. Accordingly, the Court will direct the U.S. Marshals Service to attempt service on Defendant Pandya through the Michigan Department of Corrections.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Serve Defendant Haresh Pandya through the U.S. Marshal [20] is **GRANTED IN PART**. The Court directs the U.S.

Marshals Service to attempt service on Haresh Pandya through the Michigan Department of Corrections.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: April 14, 2015

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Matthew Hall and Counsel of Record on this date.

Dated: April 14, 2015

s/ Lisa C. Bartlett
Case Manager